

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

TEMPORARY PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 21121

Application 31290 of

El Dorado Irrigation District
c/o Dave Powell
2890 Mosquito Road
Placerville, CA 95667

filed on February 1, 2002, has been approved by the State Water Resources Control Board (SWRCB)
SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source of water

Source:

Alder Creek

Tributary to:

South Fork American River

within the County of **El Dorado**

2. Location of point of diversion

By California Coordinate System of 1927 in Zone 2	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
North 400,300 feet and East 2,465,200 feet	NW¼ of SW¼	36	11N	14E	MD

3. Purpose of use	4. Place of use	Section	Township	Range	Base and Meridian	Acres
Industrial (Non-Consumptive)	NW¼ of NE¼	35	11N	14E	MD	

Industrial (Consumptive)						
Incidental Domestic	SE¼	26	11N	14E	MD	
	S½	27	11N	14E	MD	
	S½	28	11N	14E	MD	
	S½	29	11N	14E	MD	
	N½	34	11N	14E	MD	
	NE¼	35	11N	14E	MD	

The place of use is shown on map No. 442507 on file with the SWRCB.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **2.5 cubic feet per second** by direct diversion from February 4, 2002 to April 30, 2002 for non-consumptive industrial purposes; **0.25 cubic feet per second** by direct diversion from February 4, 2002 to April 30, 2002 for consumptive industrial purposes. The maximum amount diverted under this permit for all uses shall not exceed 400 acre-feet for non-consumptive use and 50 acre-feet for consumptive use.
(0000005B)
6. Permittee shall maintain a measuring device, satisfactory to the SWRCB, which is capable of (1) measuring the instantaneous total rate of diversion and the cumulative quantity of water used for both consumptive and non-consumptive uses and (2) measuring the instantaneous total rate of diversion and the cumulative quantity of water used for consumptive use only.
(0110900)
(0510900)
7. This permit expires on April 30, 2002. Permittee shall prepare and submit to the SWRCB a report summarizing operations performed pursuant to this temporary permit by August 1, 2002. This report shall include the following information:
 - a) The maximum rate of diversion (for both consumptive and non-consumptive use)
 - b) The maximum rate of diversion for consumptive use only
 - c) The total volume of water diverted (for both consumptive and non-consumptive use); and
 - d) The volume of water diverted for consumptive use only.
8. The SWRCB may supervise diversion and use of water under this temporary permit for the protection of lawful users of water and instream beneficial uses and for compliance with permit conditions. Permittee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this temporary permit.
9. This temporary permit is issued and permittee takes it subject to California Water Code, Division 2, Chapter 6.5, section 1425 et seq. Any temporary permit issued under this chapter shall not result in creation of a vested right, even of a temporary nature, but shall be subject at all times to modification or revocation at the discretion of the SWRCB.
(0510800)

10. Issuance of this temporary permit shall not be construed as indicating SWRCB approval of water right permits requested under other pending applications.
(0510999)
11. Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this temporary permit including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this temporary permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source.
(0000012)
12. This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.
(0000014)
13. Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; old trails; and structure and feature remains such as building foundations and dumps. The Chief of the Division of Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the applicant to evaluate the find and recommend appropriate mitigation. Project related activities in the area of the find shall resume only after the completion of the recommended mitigation, as approved by the Chief of the Division of Water Rights.
(0000215)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in

respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

On April 29, 1999, the SWRCB adopted Resolution 99-031-3.2.22; delegating the Chief of the Division of Water Rights the authority to approve proposed temporary permits pursuant to Water Code sections 1425(b), where no objections are outstanding and where it is found that: (1) there is an urgent need for the proposed diversion and use of water, (2) the proposed diversion and use of water may be made without injury to any lawful user of water, (3) the proposed diversion and use of water may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses, and (4) the proposed diversion and use is in the public interest.

As Chief of the Division of Water Rights, I conclude, based on the available information that:

- (1) There is an urgent need for the proposed diversion and use of water;
- (2) The proposed diversion and use of water may be made without injury to any lawful user of water;
- (3) The proposed diversion and use of water may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses; and
- (4) The proposed diversion and use is in the public interest.

Therefore, this proposed temporary permit is approved; subject to my jurisdiction to supervise the diversion and use of water under this temporary permit and to coordinate or modify terms and conditions, for the protection of vested rights, fish, wildlife, instream beneficial uses, and the public interest as future conditions may warrant.

STATE WATER RESOURCE CONTROL BOARD



*Edward C. Anton, Chief
Division of Water Rights*

Dated:

2/6/02